

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Williams, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Bennett, Bogue, Caveglia, Fish, Halliday, Kirby
CHAIRPERSON Williams
Absent: COMMISSIONER None

Staff Members Present: Anastas, Anderly, Borger, DeLuz, Looney, Payne

General Public Present: Approximately 16

PUBLIC COMMENT**AGENDA**

1. **USE PERMIT NO. 98-160-15 AND VARIANCE APPLICATION 98-180-05 - BOYS AND GIRLS CLUB OF HAYWARD, INC. (APPLICANT/OWNER)** - Request to construct a 19,528 square-foot social, recreational and instructional facility containing a gymnasium, activities center, kitchen, library, computer lab, craft shop, meeting rooms and offices. The applicant is also requesting variances to (1) allow 42 percent of the site to be covered where 40 percent maximum coverage is permitted, (2) to reduce the required front yard setback from 20 feet to 16 feet for parking, (3) to allow vehicle maneuvering to within 2 feet of the front property line where 20 feet is required, and (4) to locate parking between the building and the street (behind the primary structure required). The project location is 28200 Ruus Road, east side, in an RS (Single-Family Residential) District. **Continued from meeting of January 28, 1999. To be further continued to February 25, 1999.**
2. **USE PERMIT APPLICATION NO. 98-160-20 - DAVID TERWILLIGER/LARRY'S TIRE (APPLICANT), JOHN SUTTER (OWNER):** Request to establish a tire and wheel sales and installation service within a 7,700 square foot commercial building. The property is located at 22269 Mission Boulevard, west side, in a CC-C (Central City Commercial) District.
3. **REFERRAL FROM THE PUBLIC WORKS DIRECTOR - CONVEYANCE OF SURPLUS REAL PROPERTY:** Surplus Property Parcel No. 83, at the westerly dead end of Dean Street to the adjoining property owner.

4. **REFERRAL FROM THE PUBLIC WORKS DIRECTOR - CONVEYANCE OF SURPLUS REAL PROPERTY:** Parcel No. 92, at the southwesterly corner of "D" Street and Grand Street to the adjoining property owner.
5. **REFERRAL FROM THE PUBLIC WORKS DIRECTOR - CONVEYANCE OF SURPLUS REAL PROPERTY:** Parcel No. 93, at the southwesterly corner of "D" Street and Grand Street to the adjoining property owner.
6. **VACATION OF PORTION OF EL DORADO AVENUE (COUNTY ROAD NO. 7754) AND AUTHORIZATION FOR CITY MANAGER TO SELL AS SUPPLUS PROPERTY.** - Continued until a later date.

PUBLIC HEARINGS

1. **USE PERMIT NO. 98-160-15 AND VARIANCE APPLICATION 98-180-05 - BOYS AND GIRLS CLUB OF HAYWARD, INC. (APPLICANT/OWNER)** - Request to construct a 19,528 square-foot social, recreational and instructional facility containing a gymnasium, activities center, kitchen, library, computer lab, craft shop, meeting rooms and offices. The applicant is also requesting variances to (1) allow 42 percent of the site to be covered where 40 percent maximum coverage is permitted, (2) to reduce the required front yard setback from 20 feet to 16 feet for parking, (3) to allow vehicle maneuvering to within 2 feet of the front property line where 20 feet is required, and (4) to locate parking between the building and the street (behind the primary structure required). The project location is 28200 Ruus Road, east side, in an RS (Single-Family Residential) District. **Continued from meeting of January 28, 1999. To be further continued to February 25, 1999.**

Development Review Services Administrator Anderly indicated that staff was still in discussion with the Club representatives on a possible consensus of opinion on various development issues.

2. **USE PERMIT APPLICATION NO. 98-160-20 - DAVID TERWILLIGER /LARRY'S TIRE (APPLICANT), JOHN SUTTER (OWNER):** Request to establish a tire and wheel sales and installation service within a 7,700 square foot commercial building. The property is located at 22269 Mission Boulevard, west side, in a CC-C (Central City Commercial) District.

Commissioner Fish stepped down for this item. He co-owns property near the project site.

Assistant Planner DeLuz gave the staff report and indicated that staff recommends approval of the application. He described the proposed changes to the property and the building. He indicated the applicant will be required to replace the curb, gutter and sidewalk on Pearce Street. The applicant is presently located within the redevelopment site proposal area for the Lucky's shopping complex. He explained that the front of the building will be used for customer parking with no access on the west side of the building except for emergency vehicle ingress and egress at the request of the Fire Department.

Public Hearing Opened at 7:42 p.m.

Glen Stanton, 22259 Pearce Street, a resident directly across the street from the west side of the property expressed concern about the noise from the shop.

Assistant Planner DeLuz explained that an acoustical report had been performed and the conditions of approval will include the recommendations of this study for noise attenuation.

Mark Thelen, manager of Larry's Tires, explained that they have been in their present location for 11 years and wanted to stay downtown where his customer base can locate him. He added that they must move to make room for development of the new Lucky's Center.

Larry Takahashi, 3693 San Padro Dam Road, El Sobrante, the architect for the project said that the owner of the property is objecting to the replacement of the chainlink fencing along Pearce Street. He said landscaping will minimize the visual impact of the fence and make it more attractive. He then responded to questions from commissioners.

Cindy Lundy, 22259 Pearce Street, expressed concern regarding the present crowding on the street by vehicles associated with nearby businesses and loitering behind the buildings. Already there is a problem with employees who play radios too loudly in the back parking lots with no concern for the residents in the area. Other patrons use Pearce Street for parking already. She said there is more traffic than a little street can handle. She also complained about the noise from the motorcycle shop on the corner.

Chairperson Williams suggested that the residents report incidents to the police department so they can have a record of complaints from the area. He also encouraged residents to keep track of incidents as well.

Commissioner Halliday asked whether it is possible to draft a condition regulating noise in the back of the property. Development Review Services Administrator Anderly said it is possible but difficult to enforce and depends upon the cooperation of the operator of the business.

Celeste Perry, 26876 Pelham Place, who owns property on Pearce Street, said she is presently on a first name basis with Deputy Police Chief Trimble because of the complaints she has made about problems on the street. Things have improved somewhat since traffic officers have restricted the street to a "No Parking - Tow Away Zone" and "No Parking At Any Time" area. She added that the unsightliness of the chain link fence is welcome because of the safety factor. There have been a number of problems since the bakery was closed.

Cheryl Bunger, 22265 Pearce Street, said she would like to see the hours of operation changed on Saturday to no earlier than 9 a.m. She also mentioned the narrow width of the street and that it should have been a one-way street since it is too small for two-way traffic. She added that there have already been a number of police reports from residents about problems and noise. She agreed that the fence may be unsightly but it helps to keep out the undesirable from the back lots.

The Public Hearing Closed at 8:11 p.m.

Commissioner Bogue asked staff whether the 10-foot dedication of property frontage along

Pearce would affect the fence.

Assistant Planner DeLuz said it would not.

Commissioner Bogue then proposed that the applicant be granted a 7-days a week permit to operate, even if he had not requested it. This would save him from having to return for a further application if his business warrants more hours.

Commissioner Bennett then asked what the City would prefer to the chain link fence. Assistant Planner DeLuz indicated that the zoning requirements for the area speak to a fence in keeping with the historical context of the area. He added that it is important to keep the visual clearance for police patrols in the area.

Commissioner Bennett **moved**, seconded by Commissioner Caveglia, to approve the application subject to findings and conditions of approval. She asked if there would be a time constraint on construction of a new fence. Assistant Planner DeLuz responded it must be installed before occupancy.

Chairperson Williams asked whether there has been any discussion on making Pearce a one-way street. Assistant Planner DeLuz said there had not been.

The **motion passed 5:0**, with Commissioner Fish not present.

3. **CONVEYANCE OF SURPLUS REAL PROPERTY:** Surplus Property Parcel No. 83, at the westerly dead end of Dean Street to the adjoining property owner.

Survey Engineer Payne presented the staff report and indicated that this property is an excess parcel as a result of the "D" Street Extension. It is considered an "uneconomic remnant" and was offered to the neighbors at fair market value.

The Public Hearing Opened and Closed at 8:29 with no comment from the public.

Commissioner Caveglia **moved**, seconded by Commissioner Fish, to find the sale categorically exempt from C.E.Q.A., find the conveyance not in conflict with the General Plan; and recommend to City Council that they authorize the City Manager to execute a deed conveying the surplus real property to the adjoining property owner.

The **motion passed unanimously**.

4. **CONVEYANCE OF SURPLUS REAL PROPERTY:** Parcel No. 92, at the southwesterly corner of "D" Street and Grand Street to the adjoining property owner.

Survey Engineer Payne explained that the circumstances of this excess parcel were similar to that of the previous item. He indicated that the same property owner had bid to purchase this property as well. The proposal would also eliminate the costs associated with weed abatement and maintenance for the property.

Commissioner Fish asked whether the other adjacent property owner was contacted.

Survey Engineer Payne said he was contacted but indicated he was not interested in purchasing the land.

Commissioner Halliday asked whether having both parcels would give the property owner enough land for development.

Development Review Services Administrator Anderly said the City allows one unit for each 2,500 feet; however, this is an irregularly shaped parcel so it would be hard to build or add around the present house. They would need to tear down the present structure to build a duplex.

Commissioner Fish **moved**, seconded by Commissioner Bennett, the staff recommendation. The **motion passed unanimously**.

5. **CONVEYANCE OF SURPLUS REAL PROPERTY:** Parcel No. 93, at the southwesterly corner of "D" Street and Grand Street to the adjoining property owner.

Survey Engineer Payne explained that this was the third excess parcel from the "D" Street widening project considered and "uneconomic remnant." The owner of the adjacent parcel has offered the City fair market value for the land, and this proposal is in keeping with City policy of divesting of small, unbuildable parcels.

The Public Hearing Opened and Closed at 8:38 p.m. with no input from the public.

Commissioner Bennett **moved**, seconded by Commissioner Fish, the staff recommendation. The **motion passed unanimously**.

6. **VACATION OF PORTION OF EL DORADO AVENUE (COUNTY ROAD NO. 7754) AND AUTHORIZATION FOR CITY MANAGER TO SELL AS SUPPLUS PROPERTY.** - Continued until a later date.

ADDITIONAL MATTERS

7. **Oral Report on Planning and Zoning Matters** - Developmental Review Services Administrator Anderly reported that the City Council approved the Passport Homes project with 12 home lots.
8. **Commissioners' Announcements, Referrals**

Commissioner Williams asked whether there had been any appeals to the Life application and

was told there were none.

Commissioner Bennett acknowledged the letter received by Commissioner members thanking them for their support of Life's Chiropractic College's application. She then asked about the skateboard park referenced in the newspaper.

Commissioner Caveglia mentioned, again, the big rigs parked on Mission Boulevard.

Developmental Review Services Administrator Anderly reported that they were looking into parking on the street since it is currently permitted.

APPROVAL OF MINUTES

- January 28, 1999 - APPROVED

ADJOURNMENT

Chairperson Williams adjourned the meeting at 8:43 p.m.

ADDITIONAL MATTERS

3. Oral Report on Planning and Zoning Matters
4. Commissioners' Announcements, Referrals

MINUTES

ADJOURNMENT

The meeting was adjourned by Chairperson Williams at

APPROVED:

Jerry Caveglia, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary